

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSHUA CHEEK,

Plaintiff,

v.

TIM FRANK, JIM CANE AND ROBIN
MUKLYOHA,

Defendants.

ORDER

Case No. 14-cv-152-bbc

Plaintiff Joshua Cheek, a prisoner incarcerated at the Wisconsin Resource Center in Winnebago, Wisconsin, has filed a proposed civil complaint action under 42 U.S.C. § 1983. Plaintiff has also submitted a motion for leave to proceed without prepayment of the filing fee and a trust fund account statement for the month of December 2013. (Dkt. # 3). The court cannot consider this motion, however, because it lacks information regarding plaintiff's eligibility for indigent status.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). Plaintiff's trust fund account statement contains information for only a one-month period. Instead, plaintiff must provide the court with trust fund account statements that provide information for the entire six-month period preceding the filing of his complaint, which is from August 17, 2013 to February 17, 2014. If plaintiff was in custody at a different institution, then he must write to that institution to obtain a trust fund account statement from that institution for the relevant time period.

Until plaintiff pays the fee or provides documentation in support of his request for indigent status, the court will take no further action in this case. Accordingly, plaintiff must either pay the \$400 filing fee or submit a copy of his trust fund account statement no later than March 26, 2014.

ORDER

IT IS ORDERED that plaintiff Joshua Cheek may have until March 26, 2014 to either submit the \$400 filing fee or a trust fund account statement for the period beginning approximately August 17, 2013 and ending approximately February 17, 2014. If, by March 26, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 3rd day of March, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge